

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

FILED
IN CLERKS OFFICE

2004 DEC -3 P 1:26

U.S. DISTRICT COURT
DISTRICT OF MASS.

LOWELL RETAIL DEVELOPMENT,
LLC,

Plaintiff,

v.

EXXON MOBIL OIL CORPORATION,

Defendant.

CIVIL ACTION NO. 04-11028 EFH

NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1), the plaintiff hereby dismisses this action with prejudice. The defendant has not filed an answer or motion for summary judgment in this action.

**LOWELL RETAIL DEVELOPMENT,
LLC**

By their attorneys,

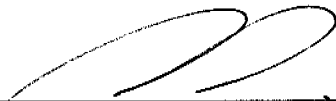


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Dated:

CERTIFICATE OF SERVICE

I, David Y. Li, hereby certify that on this 3rd day of December, 2004, I caused a copy of the foregoing to be served by first class mail, postage prepaid, to: Tara J. Myslinski, Esq., Holland & Knight LLP, 10 St. James Avenue, Boston, Massachusetts 02116.



David Y. Li